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June 14, 1993

JUN 14 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: MM Docket No. 93-128
Channel 203C2
Belton and Williamston, South Carolina

Dear Ms. Searcy:

Enclosed for filing on behalf of Toccoa Falls College are an original and six (6) copies of a "Motion to Enlarge the Issues" against Nazareth Communications, Inc.

Please contact the undersigned in our Washington, D.C. office.

Respectfully submitted,

MCNAIR & SANFORD, P.A.

By:


John W. Hunter

Enclosure

B:SEARCY68.FCC

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JUN 14 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of:

TOCCOA FALLS COLLEGE

et al.,

Applications for Construction
Permit for a Non-commercial
Educational FM Station,
Channel 203C2,
Belton and Williamston,
South Carolina

MM Docket No. 93-128

File Nos. BPED-920113ML

and

BPED-920811MA

To: Administrative Law Judge
Richard L. Sippel

MOTION TO ENLARGE THE ISSUES

Respectfully submitted,

MCNAIR & SANFORD, P.A.

By: _____

John W. Hunter
Attorneys for Toccoa Falls College
1155 15th Street, N.W., Suite 400
Washington, D.C. 20005
Telephone: (202) 659-3900

June 14, 1993

B:SEARCY68.FCC

MOTION TO ENLARGE ISSUES

Toccoa Falls College ("TFC"), by its attorneys, pursuant to Section 1.229 (b)(3) of the Commission's Rules, hereby submits this "Motion to Enlarge the Issues" against Nazareth Communications, Inc. ("NCI"). This motion seeks the specification of misrepresentation and lack of candor issues. It is timely filed within fifteen (15) days after the receipt of newly discovered evidence with respect to the basic qualifications of NCI. In support of its motion to enlarge the issues, TFC submits the following comments.

The Hearing Designation Order ("HDO"), DA 93-474, released May 6, 1993, at para. 3. challenges the status of NCI as a qualified educational organization

NCI made the following representations in amended Exhibit IV-1, filed with the Commission on December 30, 1992:

In cooperation with Presbyterian College in Clinton, South Carolina, ... [NCI] will provide instructional, general educational, public affairs, and religious programming...

TFC recently obtained a sworn statement, dated May 28, 1993, from Dr. Kenneth B. Orr, the President of Presbyterian College. Dr. Orr states that he

Intentional deceit by an applicant can not be tolerated by the Commission. RKO General, Inc. v. FCC, 670 F.2d 215, 232 (D.C. Cir. 1981). See also, Gresco, Inc., 39 FCC2d 732, 737 (1973), no one is allowed "one bite" at the apple of deceit. Representations by an applicant, as to program proposals which have no reasonable basis in fact or were not made in "good faith," or which the applicant knows will not be carried out, are disqualifying. West Coast Media, Inc. v. FCC, 695 F.2d 617, 619-620 (D.C. Cir. 1982). Even useless and immaterial misrepresentations are disqualifying. FCC v. WOKO, Inc., 329 U.S. 223, 227 (1946).

Accordingly, TFC requests that the Presiding Judge specify the following issue:

To determine whether Nazareth Communications, Inc. misrepresented to the Commission, or lacked candor, with respect to the programming proposals in its application, and, if so, whether it is basically qualified to be a Commission licensee, and whether its application should be granted?

If the foregoing issue is specified, TFC requests that NCI produce in discovery (1) all documents relating to any contacts with Presbyterian College, or representatives of the college, with respect to its programming proposal, and (2) all documents relating to preparation of the program proposal in NCI's application, including documents identifying the person(s) who prepared and reviewed the programming proposal, and certified as to its accuracy.

WHEREFORE, in view of the foregoing, TFC urges that the Presiding Judge specify the requested issue against NCI.

Respectfully submitted,

McNAIR & SANFORD, P.A.

By: 

John W. Hunter

Attorneys for Toccoa Falls College
1155 15th St., N.W., Suite 400
Washington, D.C. 20005
Tel. 202-659-3900

June 14, 1993

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TFC.21



OFFICE OF THE PRESIDENT

Presbyterian College

CLINTON, SOUTH CAROLINA 29325 • (803) 833-2820

May 28, 1993

Mr. Bob Biermann
Toccoa Falls College
Toccoa Falls, Georgia 30598

Dear Mr. Biermann:

I have reviewed the application filed by Nazareth Communications, Inc. with the Federal Communications Commission concerning their desire to establish a non-commercial educational FM broadcast station in Williamston, South Carolina.

Within the application it is asserted that Nazareth Communications is "in cooperation with Presbyterian College in Clinton, South Carolina" and further it is stated that the college will share in the programming of the station as well as provide certain special features from this campus.

The section on "Advancement of Educational Program" indicates at least four types of programs that will come from this campus, including one entitled "From the President's Desk" which is supposed to be a weekly program featuring an interview with me as president.

I want you and the FCC to know that Presbyterian College has not given its consent to cooperate with Nazareth Communications, Inc. nor have we agreed to cooperate in the filing of FCC form 340. I had one conversation with Mr. Bridges, Nazareth's president, and that was over a year ago. Since that time I have had no further contact with him or his company.

All of this is to say that Nazareth Communications to contend that their application is being made with the blessing of Presbyterian College is false. Indeed, I am astounded that they have felt free to use the name of this institution in this application without our written approval or even our verbal consent. Such action is neither ethical nor businesslike.

I will be glad to have the FCC contact me if they need further information concerning any purported role of this institution in this matter.

Sincerely,

Kenneth B. Orr
President

KBO:bs

NOTARY PUBLIC, State of South Carolina

Elizabeth H. Stanton, Commission expires May 15, 2002

92-230-112

JOSEPH E. DUNNE III
COLBY M. MAY*

*ALSO ADMITTED IN VIRGINIA

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DEC 31 10 25 AM '92
AUDIO SERVICES
DIVISION

December 30, 1992

HAND DELIVER

Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

DEC 30 1992

ATTN: FM Branch, Audio Services Division

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Application of Nazareth Communications, Inc. for A New
Noncommercial FM Broadcast Station on Channel 203C2,
Williamston, South Carolina (BPED-920811MA)

Dear Ms. Searcy:


Transmitted herewith in triplicate on behalf of Nazareth
Communications, Inc. is an amendment to the above-referenced
pending application.

Should any questions arise concerning this matter, kindly contact
the undersigned directly.

Respectfully submitted,

MAY & DUNNE, CHARTERED

By:


Joseph E. Dunne III
Attorney for Nazareth
Communications, Inc.

JED:gmc:A75
enclosure

xc: Nazareth Public File
Bill Bridges

RECEIVED

DEC 30 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Date: 12/30/92

HAND DELIVER

Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

ATTN: FM Branch, Audio Services Division

RE: Application of Nazareth Communications, Inc. for A New
Noncommercial FM Station on Channel 203C2, Williamston,
South Carolina (BPED-920811MA)

Dear Ms. Searcy:

Please amend the above-referenced pending application as follows:

1. Substitute the attached "Amended Exhibit II-1" for Exhibit II-1 submitted with the application.
2. Substitute the attached "Amended Exhibit II-2" for Exhibit II-2 submitted with the application.
3. Page 3 of the application is amended by substituting the attached amended page 3.
4. Substitute the attached "Amended Exhibit IV-1" for Exhibit IV-1 submitted with the application.
5. Please be advised that Nazareth will install an auxiliary generator at both its studio and transmitter site.

Sincerely,


Bill Bridges, President
Nazareth Communications, Inc.

NAZARETH COMMUNICATIONS, INC.
FCC FORM 340, SEC. II, Q.2
AMENDED EXHIBIT II-1

THE NATURE AND EDUCATIONAL PURPOSES OF APPLICANT

Nazareth Communications, Inc. (Nazareth) proposes to fill what it believes to be a void in educational and instructional programming in the proposed service area. The South Carolina communities of Williamston, Anderson, Greenwood, Laurens, Clinton and Abbeville are substantially lacking in local educational service. In addition, the minority community within the service area, particularly the African-American community, lacks educational and instructional programming responsive to that community's unique educational and cultural needs.

Nazareth plans to work closely with Presbyterian College in Clinton, South Carolina, the proposed Greenville Christian School of the Arts (GCSA), as well as other local educational institutions, in producing and airing programs which have cultural and educational content. As set forth below in greater detail:

NAZARETH COMMUNICATIONS, INC.
FCC FORM 340, SEC. II, Q.2
AMENDED EXHIBIT II-1, Page 2

Atlantic Presbyterian Church (USA). The College's program of liberal arts and sciences leads to Bachelor of Arts and Bachelor of Science degrees. The student body is 90 percent residential and includes men and women from 30 states and seven foreign countries. 86 percent of the College's full-time faculty of 74 have been awarded doctorates.

Presbyterian College is currently in the process of expanding its media programs. This expansion includes on-campus closed circuit radio and television facilities. At this point the College has found it necessary to lease and/or purchase production and air-

underprivileged minority youth and to provide an enriching African-American cultural and academic environment which strengthens individual self esteem. Bishop Smith and Nazareth's president, Bill Bridges, will plan an internship program in which GCSA students will learn the technical and other aspects of radio station operation and audio production. In addition, the station will broadcast GCSA student's dramatic and musical productions.

The station's proposed internship program as well as its plans to air the school's dramatic productions and musical events will serve to improve the motivation, confidence and self-esteem of educationally at-risk minority students.

Mrs. Jane J. Herlong, another of Nazareth's directors, will also contribute to the GCSA academic program through her widely recognized expertise in the subject areas of self-motivation and increasing student self-esteem.

Nazareth's president, Bill Bridges, who will manage the proposed station, began his twenty-year broadcasting career as a student on a high school campus. The school had a full power FM station on the grounds, owned and operated by the county school board. Mr. Bridges will draw on this invaluable student broadcasting experience, as well as his subsequent eighteen years of broadcasting experience, in helping to formulate a dynamic internship program for students of Presbyterian College, Greenville

NAZARETH COMMUNICATIONS, INC.
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AMENDED EXHIBIT II-1, Page 4

Christian School of the Arts, and other local educational institutions.

Nazareth believes Presbyterian College, Greenville Christian School of Arts, and other area educational entities will be well served by the proposed station because: (1) Nazareth's president and the majority of its board of directors are long-time residents of communities in the primary service area; (2) members of Nazareth's board are and will be intimately involved in the creation of the school and the planning of an instructional and educational curriculum at Greenville Christian School of the Arts which will, from its inception, utilize Nazareth's proposed station as an adjunct to its educational outreach; (3) Nazareth's president, Bill Bridges, will manage the local station and work closely with local educators; (4) Nazareth will work with local educational institutions to provide program time for programs produced by or in cooperation with local institutions; and, (5) Nazareth will provide a well-rounded internship program which will provide a hands-on educational experience in radio station operation and audio production for a wide variety of students from a number of local educational institutions, including the disadvantaged minority students of Greenville Christian School of Arts.

NAZARETH COMMUNICATIONS, INC.
FCC FORM 340, SEC. II, Q.4
AMENDED EXHIBIT II-2

ADVANCEMENT OF EDUCATIONAL PROGRAM

Nazareth will offer a wide range of educational programming carefully selected and/or produced to meet the specific needs of educational institutions in the station's proposed service area. For example, as noted above, GCSA's dramatic productions will be broadcast over Nazareth's proposed station, adding additional recognition for GCSA's students and increasing the student's motivation to stay in school and excel. Such programming will include informational, instructional and inspirational features designed to address specific needs.

At present, the specific educational and instructional programming offered by Nazareth and how it will fit into the school's respective educational curricula is still in the planning stage. However, present plans envision the involvement of students from Presbyterian College in the production of instructional programming consisting of specific College course offerings such as: computer literacy; basic and advanced Bible and theology courses; and, amateur photography. Other possible instructional and educational course and program offerings would include home economics, personal financial management, single parenting, job opportunities and assistance for the elderly.

Nazareth anticipates producing and broadcasting the following programs in conjunction with Presbyterian College:

NAZARETH COMMUNICATIONS, INC.
FCC FORM 340, SEC. II, Q.2
AMENDED EXHIBIT II-2, Page 2

1. "Presbyterian College Report"--a weekly feature produced by college students and hosted by the faculty and/or staff of the college providing information and news about registration and administrative matters, sports events, concerts, and special campus activities and attractions.

2. "Presbyterian College Forum"--a weekly live one hour program which will be produced by college interns who will be responsible for choosing the topics for discussion.

3. "From the President's Desk"--a weekly program featuring the president of Presbyterian College, Dr. Orr.

4. "Campus Concerts"--musical concerts held on campus or sponsored by campus organizations would be broadcast by the station.

Nazareth proposes to cooperate with local educational institutions, such as Presbyterian College and Greenville Christian School of Arts, in providing opportunities for student interns, as part of their educational experience, to receive hands-on training in the operation of a radio station and audio program production.

NAZARETH COMMUNICATIONS, INC.
FCC FORM 340, SEC. IV
AMENDED EXHIBIT IV-1

PLANNED PROGRAM SERVICE

Nazareth's objective is to construct a new, professional, noncommercial educational FM broadcast station serving Williamston, South Carolina and the surrounding service area. In cooperation with Presbyterian College in Clinton, South Carolina, the new Greenville Christian School for the Arts in Greenville, South Carolina, and other local educational institutions, Nazareth will provide instructional, general educational, public affairs and religious programming which addresses the cultural and educational needs, and the problems, needs and interests of the proposed service area.

Many of the members of Nazareth's board of directors have

full-time counselling ministry assisting anyone who seeks help with family or psychological problems, or suffering from alcohol or drug addictions. Richard Ogston, another member of Nazareth's board of directors, is a full-time marriage and family therapist. These concerns of the community, through the involvement of Nazareth's directors, will be reflected in the programming the station will broadcast. For example, among the programs planned for broadcast includes "the Minirth-Meier Clinic," a program which often discusses problems with addictions and marriage and family problems. In addition, based on their experience, Nazareth's directors believe that one of the greatest weaknesses in broadcasting programming responsive to such personal, marital and family problems is that there is no follow-up, i.e., a difficulty in connecting an individual seeking help with social service agencies or church ministries from which the individual can receive needed assistance.

Accordingly, in addition to broadcasting programming specifically responsive to these personal, marriage and family problems, Nazareth will also form a committee of trained individuals who will direct and refer listeners who call the station to the social service agencies or religious or church ministries from which they might seek help. Specifically, many of those calling concerning marriage, family or addiction problems

will be referred to the Minirth-Meier Clinic, P.A., or to a psychiatric hospital such as RAPHA.

Racism and the impact of racism and disadvantage on educational achievement and personal self esteem are other problems to which the station will be particularly responsive through its internship program with GCSA and the broadcast of GCSA's minority produced and directed programming, and of cultural events and dramatic productions which inform the community about the culture and accomplishments of African-Americans.

Nazareth's programming policy will be administered by the corporation's president, Mr. Bridges, who will serve as the general manager of the proposed facility, and by Nazareth's board of directors, many of whom will be directly involved in the operation of cooperating educational institutions or in the production of the instructional and educational programming broadcast by the station.

Mr. Bridges, Nazareth's president has many years of broadcast experience. Bishop Smith, Mrs. Overlong, and Mr. Ogston will be involved in the production of station programming. Mr. Bridges and Mrs. Herlong are long time local residents.

Nazareth will keep apprised of the changing needs and program preferences of its service area through Community Focus panels. Nazareth's programming, both entertainment and nonentertainment, will be chosen and analyzed for its educational and cultural

**NAZARETH COMMUNICATIONS, INC.
FCC FORM 340, SEC. II, Q.2
AMENDED EXHIBIT IV-1, Page 4**

will be chosen and analyzed for its educational and cultural relevance, good taste, responsiveness to the needs of Williamston and the service area.


CERTIFICATE OF SERVICE

I, John W. Hunter, an attorney in the law firm of McNair & Sanford, P.A., do hereby certify that on this 14th day of June, 1993, I have caused to be hand delivered or mailed, U.S. mail, postage prepaid, a copy of the foregoing "Motion to Enlarge the Issues" to the following:

The Honorable Richard L. Sippel*
Administrative Law Judge
Federal Communications Commission
Room 214
2000 L Street, N.W.
Washington, D.C. 20554

Y. Paulette Laden, Esquire
Hearing Branch
Federal Communications Commission
Room 7212
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Washington, D.C. 20554

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John W. Hunter

*Hand Delivery